IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

WP(C).No. 22277 of 2007(B)

PETITIONER:

THE KADUTHURUTHY URBAN CO.OP.
BANK LTD.,NO. 399, KADUTHURUTHY, REP.BY ITS
GENERAL MANAGER, SHRI CYRIAC MATHEW,AGED 55,
S/O. LATE P.K. MATHEW.

BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.PRAVEEN K. JOY
SMT.THANKOM.G
SRI.E.M.MURUGAN

RESPONDENTS:

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1. STATE OF KERALA, REP.BY SECRETARY,
COMMECIAL TAXES,
SECRETARIAT, TRIVANDRUM.

2. THE DISTRICT COLLECTOR,
COLLECTORATE, KOTTAYAM,

3. THE TAHASILDAR,
TALUK OFFICE, VAIKOM.

4. SAJIMON T.S., AGED 34
S/O. SREEDHARAN, THOOMPUNKAL HOUSE
MANJOOR P.O., VAIKOM TALUK
KOTTAYAM DISTRICT.

BY SR.GOVT. PLEADER SRI.MATHEW GEORGE VADAKKEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. BALAKRISHNAN NAIR, J.

W.P.(C) No.22277 of 2007-B

JUDGMENT

The petitioner is a Co-operative Bank. It is aggrieved by the sale of three items of properties belonging to the 4th respondent, which were mortgaged by the said respondent to it for availing a loan. By depositing the title deeds equitable mortgage was created. The respondents 2 and 3 are proceeding against the properties, to realise the sales tax liabilities of the 4th respondent for the years 2003-04 and 2005-06, as evident from Ext.P5 sale notice. Aggrieved by it, the petitioner has preferred Ext.P6 representation before the 3rd respondent. Thereafter, this writ petition is filed, challenging Ext.P5.

2. I heard the learned Government Pleader for respondents 2 and 3. The 3rd respondent is directed to consider and pass orders on Ext.P6 in accordance with law within one month from the date of production of a copy of this judgment, after affording an opportunity of being heard to the petitioner and the 4th respondent. Needless to say, as per the statutory scheme, sale, if any, that takes place shall be

confirmed only after passing final orders on Ext.P6 and subject to the said order.

The writ petition is disposed of as above.

K. BALAKRISHNAN NAIR,
JUDGE.

24th July, 2007.
nm.